

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Glenn et al.
Patent No.: 7,032,626
Issued: April 25, 2006
Title: TUBULAR FABRIC AND METHOD OF MAKING SAME
Docket No.: 112753-004

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(d)

Sir:

Patentees hereby Request Reconsideration of the Patent Term Adjustment ("PTA") for U.S. Patent No. 7,032,626. This Request is being filed in response to the PTA which was listed on the face of the above-identified U.S. patent. Patentees have reviewed the PTA set forth (311 days) by the Patent Office and hereby request that this determination be adjusted to 431 days for the reasons set forth below.

The Determination of Patent Term Adjustment included with the Notice of Allowance set forth a PTA of 188 days. This determination was incorrect. Accordingly, Applicants submitted a Request for Reconsideration of Patent Term Adjustment on May 24, 2005 requesting an adjusted patent term of 202 days.

On February 13, 2006, the PTO issued a Decision Granting Petition. This Decision agreed with Applicants' determination of 202 days and a 14 day adjustment was made in the PTO records. Therefore, prior to issuance of the above-identified patent, the patent term should have been 202 days.

However, the above-identified patent reflects a PTA of 311 days. Patentees respectfully submit that this determination is not correct for the reasons set forth below.

After issuance of the Notice of Allowance, five adjustments were made to the PTA for the above-identified patent. First, as set forth above, the Patent Office adjusted the PTA by 14

Adjustment date: 09/12/2006 CKHLOK
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days pursuant to Applicants' request sent after receipt of the Notice of Allowance. Patentees agree with this determination.

Secondly, the PTO determined that a 2 day adjustment should be made based on Applicants' delay in submitting the issue fee within three months of mailing of the Notice of Allowance. The issue fee payment was received on May 26, 2005. Patentees agree with this determination.

Third, a 211 day adjustment was made based on the USPTO delay in issuing the patent within four months of payment of the issue fee. The issue fee was paid on May 26, 2005 and the patent issued on April 25, 2006 which is 211 days past the 4 month date. Therefore, 211 days were added to the patent term. Patentees agree with this determination.

Fourth, a 20 day adjustment was made based on the USPTO delay in issuing the patent within three years of filing. The application was filed on January 14, 2002 and the patent issued on May 26, 2006. There were 20 days of USPTO delay which had not previously been counted in the adjustments and therefore were added to the PTA. Patentees agree with this determination.

Finally, the Patent Office determined that 120 days should be subtracted from the above adjustment due to a "Miscellaneous Incoming Letter" filed by Applicants on May 26, 2005. However, the document filed on May 26, 2005 was the Request for Reconsideration of Patent Term Adjustment. The filing of such a request does not represent a delay in prosecution and therefore does not adversely impact patent term adjustment. Accordingly, Patentees do not agree with this determination. Therefore, 120 days should be added to the PTA for a total of 431 days.

Patentees note that 37 CFR § 1.705(d) sets forth a due date of 60 days to file a Request for Reconsideration of the Patent Term Adjustment indicated in a patent. Therefore, based on the details set forth above, Patentees respectfully request reconsideration of the PTA calculations for U.S. Patent No. 7,032,626.

Patentees also note that this patent is not subject to a terminal disclaimer and there were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of this application.

Pursuant to 37 CFR § 1.705(b)(1), a check in the amount of \$200 is enclosed. To the extent that any additional fees are due and owing for this Petition, the Commissioner is hereby authorized to charge them to Patentees' undersigned attorney's Deposit Account, 02-1818.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Robert M. Barrett
Reg. No. 30,142
Customer No. 24573

Dated: May 25, 2006

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>9-14-06</u> 10/27/06		Serial/Patent # <u>10/047,819</u>		
3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT	
Filing			\$	
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